

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JOE DALE MARTINEZ, *et al*,

Plaintiffs,

VS.

REFINERY TERMINAL FIRE  
COMPANY,

Defendant.

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CIVIL ACTION NO. 2:11-CV-295

**ORDER SETTING HEARING**

The parties are directed to appear at a hearing in this matter on **November 14, 2014 at 9:30 a.m.** The issues to be addressed are limited to whether ATW and CO pay as described in the parties' briefs are excludable from the regular rate of pay under 28 U.S.C. §§ 207(e)(5) or 207(e)(6), or pursuant to any other relevant statute or regulation. The parties should be prepared to discuss how RTFC salaries and additional compensation were like or different from salaries and additional compensation described in *Bay Ridge Operating Co. v. Aaron*, 334 U.S. 446 (1948), *O'Brien v. Town of Agawam*, 350 F.3d 279 (1st Cir. 2003), *Brantley v. Inspectorate America Corp.*, 821 F. Supp. 2d 879 (S.D. Tex. 2011), *Brumley v. Camin Cargo*, No. 08-1798, 2010 WL 1644066 (D. N.J. 2010) and *Ayers v. SGS Control Services, Inc.*, Nos. 03 Civ. 9078(RMB), 06 Civ. 7111(RMB), 2007 WL 3171342 (S.D.N.Y. 2007). To the extent the parties wish to discuss evidence already in the record at the hearing, they should provide opposing counsel and the Court with citations to specific docket entries and page numbers of the evidence they wish to discuss no later than five days before the hearing.

The Court is aware that the parties have extensively briefed the issues but believes that a hearing will be helpful. There is no need for further briefing or submission of additional evidence at this time.

ORDERED this 14th day of October, 2014.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE